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ABSTRACT

Reforms in bilingual education currently sought by Secretary of Education Bennett would enable school districts to apply for and receive federal bilingual education funds regardless of the methodology they choose for those programs. The objective is to get the federal government out of the business of mandating curriculum to local schools. The rationale behind the reforms is based on the history of the federal role in bilingual education. Regulations issued in June 1986 for implementation of 1984 amendments to the Bilingual Education Act represent a major step in bringing about this reform. They have three main focuses: the autonomy of the local education agencies in deciding the amount of native language instruction to be used, recognition of the importance of parental involvement in the bilingual programs, and the need for local agencies to outline plans for managing and financing the instructional program when Title VII funds are reduced or are no longer available. These reforms recognize the major role of the local community in bilingual education. It is the responsibility of those who deal with the parents of limited-English-proficient students to carry the message to them about their role in the reform's success. (MSE)

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BILINGUAL EDUCATION

POLICIES: AN OVERVIEW

Carol Pendas Whitten

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BILINGUAL EDUCATION POLICIES: AN OVERVIEW

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I am here today to tell you about the Bilingual Education reform initiative. The reforms that the Secretary seeks will enable school districts to apply for and receive bilingual education funds regardless of the methodology they choose. What Secretary Bennett wants to do, above all else, is to get the Federal Government out of the business of mandating curriculum to local schools so that local parents, teachers and school officials can set up programs based on local conditions, resources, and needs.

For example, the Fairfax County school system in Northern Virginia now provides special instruction to 3,800 limited-English-speaking students who speak 75 different languages. Over the years, Fairfax has designed and developed a serious, nationally recognized program that has met with great success. And yet, until last year, Fairfax County could not receive any federal Title VII funds from our Office of Bilingual Education. I could be speaking about Arlington, Virginia, Prince Georges County, Maryland, or the District of Columbia Schools; their statistics are the same.

The rationale behind Secretary Bennett's reforms, is based on the history of the federal role in bilingual education, a brief review of which follows.

In 1968, when the first Bilingual Education Act was enacted, Congress was especially concerned with the problems of Hispanic school children living in the Southwest. These children were often punished for speaking Spanish--the only language they knew--they were performing very poorly in school and were dropping out at a high rate. No effort was being made to provide them with the special English language instruction they needed to participate fully in the classroom. The original intent of Congress in enacting bilingual education legislation was clear from the beginning. The 1968 Act encouraged local school districts to develop "new and imaginative...forward-looking" programs, for the special educational needs of those children "who are educationally disadvantaged because of their inability to speak English."

In 1967 the Senate Committee Report on pending bilingual education legislation recognized the need to bring these children into the educational mainstream. It did not, however, want to interfere in local school affairs by dictating a method or approach to the teaching of English as is clear from the report.

> Because of the need for extensive research, pilot projects and demonstrations, the proposed legislation does not intend to prescribe the types of programs or projects that are needed. Such matters are left to the discretion and judgment of the local school districts, to encourage both varied approaches to the problems and also special solutions for a particular problem for a given school.

That the local school districts had a responsibility to these students was confirmed by the Supreme Court in its Lau v. Nichols decision of 1974. The Court concluded that the San Francisco School system was not providing equal

educational opportunity to its non-English-speaking Chinese students. The court informed the school system that they had to protect the civil rights of these students, by providing special programs which would meet their needs. However, like Congress in 1968, the Court refrained from mandating a specific approach to the teaching of this special school population. The Lau decision simply stated:

> Teaching English to students of Chinese ancestry is one choice. Giving instruction to this group in Chinese is another. There may be others.

Despite the flexibility built into the original 1968 legislation, and despite the Supreme Court's affirmation of the right of local schools to determine the best approach to teaching their limited-English-speaking students, the Federal Government moved in the opposite direction in 1974. In that year, the Office for Civil Rights (OCR) published directives for local school districts narrowly defining the districts' means of meeting the educational needs of limited-English-proficient (LEP) students. These "Lau Remedies" narrowly limited options for elementary and intermediate schools, mandating programs that relied heavily on native language instruction. This OCR-mandated approach came to be known as Transitional Bilingual Education (TBE). Although the Lau Remedies were never formally enacted into law, OCR has, since 1975, negotiated compliance agreements with over 500 local school districts based on these remedies. Consequently, school districts have been very reluctant to make adjustments in their teaching methods in fear that they would lose their federal funds if found in violation of OCR's Lau remedies.

The Bilingual Education Act of 1974 also tied the hands of local school districts. When Congress reauthorized the Act in 1974, it curbed local control of program design and prescribed one approach, a native language approach, to all school districts seeking Title VII capacity-building funds. As a result, any school that provided instruction for its LEP students in English only was not eligible for federal support.

Ironically, just as the Federal Government began mandating this curriculum designed for the teaching of homogeneous groups, the demographic makeup of America's immigrants began to change dramatically. In the 1970's, the United States opened its doors to tens of thousands of immigrants from Southeast Asia, China, the Philippines, East and West Africa, the Middle East and Eastern Europe.

This trend continues into the present decade. Since 1980, almost half of all legal immigrants to the United States have come from Asia. And another 12% have come from Europe. School districts face classes which include speakers of Farsi, Arabic, Cantonese, Romanian, and dozens of other languages in addition to Spanish and Chinese.

The Los Feliz Elementary School in Los Angeles is a classical example of a school affected by this new trend. Less than a decade ago, Los Feliz was a school with a significant number of Mexican-American minority students. Bilingual programs could be geared to this homogeneous group of Spanish speakers. But the 1980's brought a dramatic change to this school. It began to receive students immigrating to the U.S. from all over the world, students who spoke Armenian, Cantonese, Vietnamese, Korean, and ten or twelve other languages. Presently, more than 70% of the student body at Los Feliz are classified as language minority, and both the California state and federal bilingual laws require that the school teach these children using a native language approach. Moreover,

state law requires instruction in native culture and heritage. As can be imagined, school officials are struggling to serve these students, meet education mandates, and maintain academic standards.

The situation at Los Feliz has become a familiar story. No one can properly serve all their students' needs while adhering to rigid native language instruction requirements. Unfortunately, Congress has not yet fully recognized how much the conditions have changed since 1974.

It is not surprising then that Secretary Bennett's first goal for Bilingual Education was to return to local schools the right to determine the best method of teaching their limited-English-speaking students. Furthermore, he realized that the Federal Government had moved away from its original focus on helping local school districts bring their LEP students into the mainstream of American education. The simple truth was that the Federal Government's role had, over time, become heavy handed, intrusive and out of sync with new immigration patterns.

The secretary was concerned that all non-English-speaking students were not getting the education they needed. The acquisition of strong English skills is crucial to the future of our nation's new immigrants, for any young person who fails to learn English well and fails to complete high school faces a life of unemployment, illiteracy and poverty.

In 1984, Congress wisely recognized the need for funding alternative programs, but only 4% of the funds were allotted for such projects. As a first step, the Secretary has asked Congress to remove the 4% cap that was placed on funding of special alternative programs. If Congress agrees to the Secretary's request and lifts the cap, any school district that is attempting to help its LEP students will be able to apply for federal bilingual education funds.

On November 21, 1985, the Department of Education published proposed regulations for the implementation of the 1984 Amendments to the Bilingual Education Act. The final regulations will be issued June 19, 1986. This package represents a major step in bringing about the reform of the federal role.

The regulations center on three main objectives:

> First, school districts have been informed that they have considerable discretion under the statute to determine the extent of native language instruction required in a transitional bilingual education project. The preamble to the proposed regulations explains that Bilingual Education legislation provides for instruction in the child's native language only "to the extent necessary to allow a child to achieve competence in the English language," and "in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards." As a result of this clarification, local education agencies, rather than the Federal Government, will decide the amount of native language instruction to be used, as well as the manner and duration of its use.
>
> Second, recognizing that parental involvement is crucial to children's success in school, the regulations emphasize the statutory requirement that parents be allowed to become involved in their children's bilingual education program. The regulations call for extensive

parental participation on two advisory councils for each school district. One council assists the district in preparing the application for federal funds; the other provides consultation to the district for the duration of the federal grant.

Third, under the regulations, we have emphasized that Title VII has always been a "seed money program," meaning school districts are required to demonstrate that they will build local capacity to continue their bilingual education programs once federal funds are no longer available. Thus, local school districts must outline a plan for managing and financing the instructional program when Title VII funds are reduced or are no longer available.

With these reforms the Department of Education is recognizing the major role that the local community plays in bilingual education. In other words, it recognizes that the 16,000 independent school districts must decide how best to teach their LEP students. They must develop the infrastructure necessary for these programs to continue, and they must involve parents fully in the development of bilingual education programs.

The Department has received widespread support for these reforms in newspaper editorials, and in personal letters from the American public. The support comes, for one very good reason expressed in an editorial in The Washington Post, "Secretary Bennett Makes Sense." The editors say in that editorial, "Children with language difficulty must be given special help, and the cultures of their native lands deserve respect and understanding, but we need not apologize, as Secretary Bennett points out, for offering assistance in a form that brings children more quickly into American language and culture and strengthens their ability to participate more fully in national life."

Or, as the New York Times editors wrote, "Mr. Bennett proposes returning to the principle of maximum local flexibility. He will ask Congress to remove the 4% cap. He's right! The Federal Government should not limit funds to only one pedagogical method. It should be concerned with the ultimate goal, helping children become proficient in English as quickly as possible."

The editors of The Washington Post and the New York Times do not in any way want federal support for Hispanic and other language-minority students reduced or eliminated. They, like Secretary Bennett, think that the Federal Government should simply increase flexibility in its program, thereby reestablishing the original focus of the program: helping children to learn English and to enter the educational mainstream as quickly as possible.

But none should confuse Secretary Bennett's call for reform with a call for retreat! As long as there is a need, the high levels of funding for the Bilingual Education Program will continue.

What the Federal Government should not do is to force state and local governments to adopt one method. The fact is that the primary responsibility for the education of our nation's young lies with the states. When the constitution was drafted, the framers deliberately left decisions about education to the states. The constitution does not give the Federal Government any direct role in the nation's educational system. In actual practice, the responsibility lies primarily with our 16,000 local school boards, and for 200 years, local jurisdictions have set the course of our nation's educational system.

Congress has always left the job of education to the local people. The value of this approach has been explained well by Joan Parent, president of the National School Boards Association, who stated, "Local control quite simply means self-government. This concept is based on the fundamental principle that the best government is that which makes decisions closest to those who will be affected by such decisions. In public education, it means that the citizens in each community know best how they want their schools to be run and how their tax dollars should be spent."

We accept the fact that the federal role in American education is a supporting one. The Department of Education does not run schools, and does not decide what children are taught. That the federal role is limited is also clear from the statistics on the financing of education. The Federal Government contributes approximately $10.5 billion to education, which is 7% of the total figure. Therefore, 93% of all money spent on American education comes from state and local governments.

Those who deal with the parents of LEP students play a special role in helping our non-English-speaking students become successful. As a former teacher and guidance counselor I realize full well that ultimately the success of all school reform depends on parents. We thus need to help carry the message to parents that their child's future will, to a large degree, depend on the example they set. It will also be determined by their interest, their concern and their participation in their child's education and their own.

Finally, a word of praise to all of you. Your hard work and the example of excellence that you set, will make a real difference in the lives of these language minority students and their families. They will long remember what you are now doing for them. The world they face in the 1990's and beyond will be a complex, demanding one. Your students will live and work in a world whose complexity we can only imagine. Think of the reading, writing, and thinking skills they will need to deal successfully with the promises and dangers of the future. The foundation for their future is taking form in your classrooms, and they will always remember your dedication and your perseverance, and they will thank you! Our role in the Department of Education is to make your job a little easier!

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